

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Dec 27, 2018

SEAN F. MCAVOY, CLERK

JOSHUA THOMAS STONE-YATES,

No. 4:18-CV-05084-MKD

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g)**

**ECF Nos. 16, 20**

BEFORE THE COURT is the parties' Stipulated Motion for Remand, ECF

No. 20, of the above-captioned matter to the Commissioner for additional

administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).

Attorney D. James Tree represents Plaintiff. Attorney Leisa Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF

No. 7. After considering the file and proposed order, **IT IS HEREBY**

**ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

1       2. The above-captioned case is **REVERSED** and **REMANDED** to the  
2 Commissioner of Social Security for further administrative proceeding pursuant to  
3 sentence four of 42 U.S.C. § 405(g).

4           On remand the administrative law judge (ALJ) shall: (i) reevaluate and  
5 further develop the medical record with reconsideration of the severity of  
6 Plaintiff's physical impairments, particularly migraines and chronic pain; (ii)  
7 obtain a current psychological consultative examination; (iii) obtain expert medical  
8 expert testimony to reconsider the nature and severity of Plaintiff's physical  
9 impairments; (iv) reevaluate Plaintiff's residual functional capacity pursuant to  
10 SSR 96-8p; (v) reevaluate steps four and five with the assistance of a vocational  
11 expert and consider that evidence pursuant to SSR 00-4p; and (vi) issue a new  
12 decision.

13       3. Judgment shall be entered for **PLAINTIFF**.

14       4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN**  
15 **AS MOOT**.

16       5. Upon proper presentation, this Court will consider Plaintiff's application  
17 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

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1       The District Court Executive is directed to enter this Order, **enter**  
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED December 27, 2018.

s/Mary K. Dimke

MARY K. DIMKE

UNITED STATES MAGISTRATE JUDGE